

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41937 of 2017

Arising Out of PS.Case No. -82 Year- 1993 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Moti Rai S/o late Nathuni Rai Resident of Village- Kishunpur, P.S. Pipra
Kothi, Distt- East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

This is a case of misuse of privilege of bail.

Petitioner seeks bail in connection with Sessions Trial
No. 406 of 1994 arising out of Pipra Kothi P.S. Case No. 82 of
1993 for offences punishable under Sections 341, 342, 379, 323,
307, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to search his father the petitioner along
with two other accused persons snatched his watch and money.
Thereafter one of the accused assaulted him with butt of the pistol
on his head.



It has been submitted by the learned counsel for the petitioner that he was granted bail but on the ground of misuse of the said privilege, the bail bond was cancelled on 07.08.2003. Thereafter after exhausting entire process the petitioner was declared an absconder on 28.06.2017 and is in custody since 25.07.2017. He submits that he had entrusted Pairvi to the Pairvikar and had gone out to earn his livelihood but Pairvikar did not make Pairvi and also did not inform about the progress of the case but undertakes to remain physically present on all dates in trial.

However, learned APP for the State opposes the prayer for bail stating therein that the matter is very old and because of the petitioner the trial has necessarily been delayed.

Considering the facts and circumstances and the materials on record as well as the undertaking of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Assistant Session Judge, Motihari in connection with Sessions Trial No. 406 of 1994 arising out of Pipra Kothi P.S. Case No. 82 of 1993, subject to the condition that both bailors would be close relative of the petitioner



having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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